

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
APRIL 8, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Hobbs, Lee, Seeley, Halva, Strauss, Thorsen, Nemerov, Olsen, Carr, Forrest and Platteter

III. APPROVAL OF MEETING AGENDA

Commissioner Carr moved approval of the April 8, 2015, meeting agenda. Commissioner Thorsen seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carr moved approval of the March 11, 2015 meeting minutes. Commissioner Nemerov seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT:

No comment.

Commissioner Thorsen moved to close the public hearing. Commissioner Nemerov seconded the motion. All voted aye; motion carried.

VI. PUBLIC HEARINGS

A. Variance – Andrew & Megan Wirth, 4230 Scott Terrace, Edina, MN

Planner Presentation

Approve a 7.65 foot variance from the required 39.65 foot front yard setback requirement for the addition of a front room and porch on the main floor with basement area below to be located 32 feet from the front property line for the property located at 4230 Scott Terrace.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the front yard setback (as determined by the average of the two adjacent homes).
2. The proposed additions are appropriate in size and scale for the lot and the improvements will enhance the property.
3. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed front yard setback from adjacent properties.
4. The variance, if approved, will not alter the essential character of the neighborhood. The proposed setback is still over 4 feet farther back from the front lot line than a neighboring home down the block.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans: Survey date stamped march 9, 2015 and Building plans and elevations date stamped March 9, 2015.
- 2) Compliance with the Environmental Engineer's memo.

Appearing for the Applicant

Andrew and Megan Wirth, applicants and property owners.

Discussion

Commissioner Olsen asked if the house was nonconforming with regard to front yard setback. Planner Aaker responded in the affirmative.

Chair Platteter asked Planner Aaker if any other portions of the home were nonconforming. Planner Aaker responded only the front yard setback is nonconforming.

Applicant Presentation

Mr. Wirth addressed the Commission and explained how much he loves his house and living in the neighborhood. Wirth said they considered numerous options; however, found the plan as proposed works best for the site and is less disruptive.

Discussion

Commissioner Forrest asked the applicant if he ever considered building to the rear. She further asked the size of the proposed egress window.

Mr. Wirth said going out the rear would reduce rear yard space and cause the removal of a very large tree. Wirth said it was very important to his family to save that tree. In response to the question on egress window well size Mr. Wirth reported it measures 10'10". Forrest

questioned why the applicant is adding the egress window to the front of the home and not the side.

A brief discussion ensued on egress window well locations with the applicant explaining if the egress window was relocated to the side yard it would be too close to the neighboring property, adding neighbors also support the location.

Chair Platteter acknowledged that the Commission received numerous letters of support for the project. Platteter opened the public hearing.

Public Hearing

Robert Schumacher, 4232 Scott Terrace, addressed the Commission and voiced his full support for the project as presented.

A resident at 4220 Scott Terrace supports the project as presented.

Chair Platteter asked if anyone else would like to speak to the project; being none, Commissioner Olsen moved to close the public hearing. Commissioner Carr seconded the motion all voted aye; motion carried.

Discussion

Commissioner Lee complimented the applicants on their materials. Lee said in her opinion the project is modest in scale and is in keeping with the character of the neighborhood.

Commissioner Forrest said that while she believes the project is designed with sensitivity she cannot support the request because of the added encroachment of the egress window into the setback.

Motion

Commissioner Carr moved variance approval based on staff findings and subject to staff conditions. Commissioner Thorsen seconded the motion. Ayes; Hobbs, Lee, Thorsen, Strauss, Olsen, Nemerov, Carr, Platteter. Nay; Forrest. Motion carried 801.

B. Variance – Kelly Hayes, 6205 Wooddale Avenue, Edina, MN.

Planner Presentation

Appearing for the Applicant

Kelly Hayes, applicant and property owner.

Discussion

Commissioner Carr asked if the plans presented were done by an architect. Planner Aaker responded that the City of Edina only requires scaled drawings, adding the City does not stipulate that the drawings need to be drawn by licensed architect. Aaker further explained that surveys and storm water management plans must be drawn and signed by a licensed professional. Aaker concluded that this application meets variance submittal requirements.

Commissioner Lee said in her opinion the plans are too hard to read and are no more than sketches. Lee stated in order for her to make an educated decision the plans need more detail. Continuing, Lee also noted she is hesitant to act on this because there is the possibility that when they move into the demolition phase walls may go down because of inadequate support. Lee said she doesn't want to see another project end up like a previous variance project on Nancy Lane.

Chair Platteter stated if the materials submitted meet City requirements as indicated by staff the request should be voted up or down.

Planner Aaker reiterated what's important for planning purposes is that the survey and storm water management materials are professionally done; and indicate setbacks, elevations, building height and drainage patterns.

Applicant Presentation

Ms. Hayes addressed the Commission and informed them the plans are hand drawn and are to scale-one square equals' one-foot. Hayes said she was unaware the plans had to be professionally done. Hayes said the survey and water management were done by a professional.

Discussion

A discussion ensued on if the lot coverage indicated on the survey was correct. Planner Aaker recalculated the lot coverage and stated it is correct as stated, 19%. Aaker further commented that the house sits in an unusual location abutting City property, pond and parking lot, adding any impact would be minimal.

Commissioner Platteter asked Planner Aaker if the City received any comments from the neighbors. Planner Aaker responded no comments were received. Commissioner Platteter noted that trees were not indicated on the survey. Aaker responded that at this time that is not a requirement.

Chair Platteter opened the public hearing.

Public Comment

David Craig, 4436 Garrison Lane indicated his support for the project.

Commissioner Thorsen moved to close the public hearing. Commissioner Carr seconded the motion. All voted aye; motion carried.

Discussion

The discussion continued with a number of Commissioners expressing their hesitation in voting on the application without adequate drawings. Concern was also expressed that the existing building walls would not be able to support the proposed second story. Ms. Hayes commented that technically there is a second floor; the walls are just “built up”.

Chair Platteter asked Ms. Hayes if she would be willing to continue her request. Platteter said he believes from the discussion that “better” to scale drawings need to be submitted that identify what exists, what will stay, what would go and exterior building materials. Platteter suggested that Hayes work with staff on the new submittals.

Ms. Hayes responded that she would be willing to continue her request to the next meeting; adding she would speak with staff to clarify what’s required.

Motion

Commissioner Forrest moved to continue Agenda Item VI. B. to the Planning Commission meeting on April 22, 2015. Commissioner Nemerov seconded the motion. All voted aye; motion to continue carried.

VII. C. Subdivision. Frank Berman. 5321 & 5331 Evanswood Lane, and 5320 & 5324 Blake Road, Edina, MN

Planner Presentation

Planner Teague reported that Frank Berman is proposing to combine and subdivide his four properties at 5321 & 5331 Evanswood Lane, and 5320 and 5324 Blake Road into seven lots. The existing home at 5331 Evanswood Lane would remain, and the home at 5324 Blake Road would be removed. The other two parcels are vacant.

Teague explained that the applicant proposes to construct a 24-foot wide cul-de-sac off Blake Road within a 40-foot right-of-way. Two lots would access off Evanswood Lane, and the remaining five off the new road. The applicant has attempted to minimize tree loss and address drainage issues in the area by locating the roadway along the north lot line, and the stormwater retention areas along the street.

Planner Teague noted that this item was continued from the last Planning Commission for the applicant to revise the grading and drainage plan to address concerns raised by the city engineering department. The applicant has revised the plans to address those concerns. The

engineering department and Barr Engineering, the City's engineering consultant has reviewed the plans Teague said to accommodate the request Preliminary Plat approval is required.

Continuing, Teague said all seven of the proposed lots meet the City's minimum lot size requirements. Minimum lot size, width and depth is determined by the median of all lots within 500 feet of the subject property. Based on the surveyors calculation of the medians, the minimum lot size is 21,842 s.f. in size; 166.4 feet in depth; and 120.8 feet in width. The engineering department has reviewed the calculations and lot sizes provided by the applicant's surveyor and does find them to be accurate.

Planner Teague concluded that staff the plat meets all requirements and further recommends that the City Council approve the proposed seven lot subdivision based on the following findings:

1. The proposal meets all the required standards and ordinances for a subdivision.
2. The applicant has reduced the width of the road, and minimized the stormwater ponding on the site in an attempt to minimize tree loss.
3. In meeting all city and watershed district requirements for drainage the proposed subdivision would not have a negative impact on adjacent property.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void. Final plat shall include a complete grading and drainage plan subject to review and approval of the city engineer.
2. At the time of final plat approval, the applicant shall enter into a Developers Agreement with the City. The Developers Agreement shall include the requirement for construction of the street as proposed, and a sidewalk on the south side of the street as recommended in the engineering memo dated March 30, 2015. The agreement shall also include all the conditions of approval.
3. Prior to release of the final plat, the following items must be submitted:
 - a. Park dedication fee of \$15,000 must be paid prior to release of the final plat.
 - b. A construction management plan will be required for the overall development of the site.
 - c. Submit evidence of a Nine Mile Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
4. Prior to issuance of a building permit, the following items must be submitted:
 - a. Curb-cut permits must be obtained from the Edina engineering department. Driveway plans must be consistent with the proposed grading plan to preserve as many trees as possible.

- b. Individual homes must comply with the overall grading plan for the site. Each individual building permit will be reviewed for compliance with the overall grading plan subject to review and approval of the city engineer.
 - c. A construction management plan will be required for the construction of the new homes.
 - d. Utility hook-ups are subject to review of the city engineer.
 - e. All homes must be constructed with fire sprinkler protection in accordance to NFPA 13d or IRC 2904.
 - f. Signage stating “No Parking Fire Lane” along one side of the roadway the entire length of the road, and within the cul-de-sac.
- 5. Compliance with the conditions outlined in the director of engineering’s memo dated March 30, 2015.
 - 6. Compliance with the conditions outlined in the fire marshal’s memo dated February 18, 2015.
 - 7. A stop sign is required to be installed on the new street approaching Blake Road. Clear sight lines shall be maintained from the intersection.
 - 8. Compliance with the city’s newly adopted tree ordinance.
 - 9. Compliance with the city’s living streets policy.

Appearing for the Applicant

Kendra Lindahl, Landform, Jack Perry, and Carrie Berman

Discussion

Planner Teague was asked to explain the loop water line suggested by engineering staff. Planner Teague responded that engineering staff recommends that the site provide a looped 6” DIP from Blake Road through to Lot 6 along the property line to Evanswood Lane; however, the applicant has not agreed to do so.

Chair Platteter asked Planner Teague if the storm water pond to the west was private or public. Planner Teague responded that is a private pond.

Applicant Presentation

Kendra Lindahl introduced, Jack Perry, legal staff and Carrie Berman, daughter of applicant as part of the project team. Lindahl stressed how important it was to the applicant to minimize tree loss. She noted the applicant will continue to live in his home.

Lindahl informed the Commission in response to staff’s recommendation of a looped water line that they are hesitant to do so because they believe it would create more tree loss. Lindahl stated that as presented the storm water plan is responsive, adding there will be no net increase in rate or volume to surrounding properties. Lindahl also noted that in this area Edina

has a downstream issue, adding in her opinion this site shouldn't be required to fix an area issue.

Lindahl further commented that they respectfully request that the suggested B618 curb and gutter be eliminated and a flush ribbon curb built in its place. She pointed out flush ribbon curbs are very common in Edina and work well with rain gardens.

Continuing, Lindahl stated with regard to the sidewalk condition they are not convinced every site should be required to have a sidewalk. She pointed out there are five homes on the cul de sac and the addition of a sidewalk creates challenges for the project. Lindahl said if a sidewalk is required to be built as a condition of approval they would prefer that the sidewalk was constructed on the north side.

Concluding, Lindahl asked the Commission to eliminate the Fire Department's condition that the homes be sprinkled. Lindahl pointed out the State already has a sprinkling requirement based on square footage, adding they would like to abide by State Statutes, questioning if other new homes were required to be sprinkled.

Discussion

Commissioner Carr commented that she could support a sidewalk on the north vs. south. Carr asked Ms. Lindahl to explain "ribbon" curb. With graphics Lindahl indicated ribbon curbs, adding that the reason they want them installed on the project was to ensure water flow. Ribbon curbs are designed to handle water run-off. Carr further asked the applicant if they prefer looped or dead ended. Lindahl responded they would prefer the dead ended main.

Commissioner Lee questioned if the property owner would consider reducing the number of lots from seven to six. The applicants responded that the seven lot plat meets code, adding they have not considered reducing the number of lots.

A brief discussion ensued on drainage.

Ross Bintner addressed the Commission and explained with regard to the sidewalk requirement the sidewalk is not a code requirement it's a policy. Bintner further indicated that the B618 curb is also a policy, along with looped main vs. dead ended. Continuing, Bintner reported that the sprinkler requirement was from the Fire Department. Teague interjected and explained the Fire Department requested sprinkling because of the narrower street.

Chair Platteter asked if the subdivision Acres Dubois had a looped main. Mr. Bintner responded Acres DuBois was not looped. Chair Platteter asked the applicant if the Watershed District has weighed in on the project. Ms. Lindahl responded that they have been in contact with the Nine Mile Creek Watershed District; however, they will not meet on the proposal until after it receives preliminary approval from the City.

Public Hearing

Chair Platteter opened the public hearing.

The following residents expressed concerns with the proposed subdivision:

Rebecca Wallin, 6208 Parkwood Road
Charlie Gits, 5311 Evanswood Lane
Kim Gits, 5311 Evanswood Lane
Marty Wheeler, 6200 Parkwood Road
Tim Kuck, 6316 Westwood Court
Olaf Minge, 5525 Evanswood Lane
Amy Minge, 5225 Evanswood Lane

Concerns were expressed as follows:

- Storm water management. Some areas already retain water careful consideration must be given to drainage and storm water management.
- Increase in impervious surfaces – more water issues
- Change in density
- Tree loss
- Consider using existing driveway as shared vs. new street.
- Decrease in property values
- Years of living with continued construction
- Rain garden maintenance – who's responsible, will they be maintained
- Buffer
- Visibility concerns. Site lines are compromised in this area-intersections are close and there is a grade change
- The plan as presented is too dense, lots aren't in keeping with neighboring properties, consider reducing number of lots

Commissioner Carr moved to close the public hearing. Commissioner Olsen seconded the motion. All voted aye; motion carried.

Discussion

Commissioners expressed the opinion that issues are unresolved and acknowledged the difficulty in finding balance. It was further noted that in Edina “one size doesn't fit all” and with no conclusions on specific drainage issues it; and other issues make it difficult to make an educated decision. It was further suggested that more creativity could be used in plat development including limiting parking to only one side of the street, etc.

Chair Platteter asked Ms. Lindahl to comment on the tree loss and drainage issues raised by neighbors.

Ms. Lindahl said she is unsure of the exact percentage of tree loss, but would have that calculated prior to the next meeting. Lindahl explained the proposed street was aligned so the fewest number of trees would be removed. Lindahl stated with regard to drainage that their proposal cannot solve the areas storm water and drainage problems; however, they can't make it worse, adding the proposed rain gardens are a critical part of stormwater management for the site.

Chair Platteter noted that another concern expressed was sight line issues at the intersection of Blake and the new road. Platteter asked Lindahl to comment on that. Ms. Lindahl reported at the City's request WSB conducted a traffic analysis. The report indicated that sight lines are sufficient. She further noted that the applicant will enter into a Developers Agreement that not only addresses sight lines and site access but addresses retaining walls, rain gardens, water and sewer too. Lindahl said in the Agreement maintenance of the proposed wall, rain gardens, etc. are addressed.

In response to comments from neighbors on prior tree loss Steve Gross reported that the site was being cleared of buckthorn and dead trees.

A lengthy discussion ensued on the proposed subdivision and Engineers Memo dated March 30, 2015 with Commissioners expressing their hesitancy in supporting the preliminary plat in light of the fact that specific items in the storm water management plan were not sufficiently addressed to gain support of the Engineer. Commissioners were also divided on sidewalk or no sidewalk, style of curb/gutter and the number of lots, etc.

Mr. Bintner stated that in his opinion his concerns can be addressed before the applicant returns for final plat. Bintner said he agrees with the majority of items in the memo; specifically numbers 2 and 8 through 21. He acknowledged issues with 3, 4 and 7; however reiterated in his opinion those issues could be agreed on. Bintner stressed from an Engineering standpoint their goal is to ensure that storm water does not increase the flood risk to upstream and downstream properties

Commissioner Carr commented that she agrees all issues can be resolved; however, the Commission needs to recommend to the Council approval or denial with sufficient findings, adding some issues (curb gutter, sidewalk, etc.) need further clarification. Continuing, Carr said before final plat specific issues need to be resolved and the storm water management plan needs to be prepared in more detail. Commissioner Olsen commented that she believes if a motion is made it should include conditions that the applicant must provide adequate drawings as mentioned by Commissioner Carr) indicating how the water is distributed and how/if the applicant can gain rain garden easements.

Mr. Gits interjected questioning if he can stub into the rain garden adjacent to his property. Planner Teague responded that he believes Mr. Gits could stub into the rain garden; however, at his expense. Teague noted he believes the easements are public.

The discussion continued on if the request should be continued allowing staff and applicants time to resolve any issues or vote the request up or down.

Motion

Commissioner Carr moved to recommend preliminary plat approval based on staff findings and conditions and subject to the following additions:

- **The developer can choose between the ribbon cut or B618 curb**
- **The developer can choose between looped or dead end water main.**
- **Water sprinklers not required (note State requirements would be enforced)**
- **Comply with the principles of Living Street with the developer choosing which side of the street the sidewalk should go**
- **Present a more detailed storm water, drainage and erosion control plan.**
- **Address rain garden issues and potential flooding issues because of expressed concerns.**

Commissioner Hobbs seconded the motion.

Commissioner Lee stated she cannot support the motion for approval. She said the conditions of approval are unclear and that she believes a decrease in the number of lots could mitigate drainage issues. Lee acknowledged the plat meets all requirements; however, in her opinion a balance must be reached.

Commissioners Hobbs and Forrest indicated they would have to vote against the motion to approve.

Mr. Perry said they would be willing to work with staff and grant a 30-day extension.

Chair Platteter called the vote. Ayes; Thorsen, Olsen, Carr. Nay; Hobbs, Lee Strauss, Nemerov, Forrest, Platteter. Motion failed. 3-6.

Commissioner Hobbs moved to continue the request for subdivision to allow time for staff and the applicant to resolve any issues. Commissioner Forrest seconded the motion. All voted aye; motion to continue carried.

VII. REPORTS AND RECOMMENDATIONS

A. Grandview Presentation

Economic Development Manager, Bill Neuendorf addressed the Commission and reported on the redevelopment planning for the former public works site.

Neuendorf explained that City staff collaborated with Frauenshuh Design Team and prepared three preliminary concepts that reflect examples of a combination of public and private uses. Continuing, Neuendorf noted an Open House to present the concepts is scheduled on April

22nd. Neuendorf presented to the Commission a power point presentation highlighting the three concepts as follows:

- Arts & Culture Center
- Multi Generation Community Center
- Fitness/Wellness Center

In conclusion Neuendorf said after the open house a public comment period will occur allowing time for the team to focus on one design scenario. Neuendorf explained the chosen design scenario(s) would also be presented to the Planning Commission for their review following the open house.

A discussion ensued with Commissioners noting that Eden Avenue is the gateway and both Vernon Avenue and Arcadia are important corners. Blending the civic and private would take balance. Commissioners acknowledged there are also challenges with the site because of the grade changes, adding linking properties will be one challenge. Another point to consider would be cost and profitability.

Commissioner Lee referred to Scenario #3 and questioned the height of the tower and the square footage. Neuendorf said the tower is proposed at 10-stories and 14,000 to 15,000 square feet per floor. Lee expressed some concern with shadowing from the tower; however, said she liked the east/west linkage.

Commissioner Forrest questioned how the data was collected. Neuendorf said he met with all boards and commissions and held numerous public meetings, advertised in the Sun Current and developed a website to collect input from the community. Neuendorf reported there was one vocal group that believed the site should be redeveloped as 100% public; however, there are many many different perspectives on what should be developed at this site. Neuendorf said a decision needs to be made, adding he found that most people appear to support both a public and private venture.

Chair Platteter thanked Neuendorf for his update, adding the Commission looks forward to hearing from the team in the future.

B. Zoning Ordinance Amendment

Chair Platteter suggested because of the late hour that the discussion on the Ordinance Amendments be continued to the next Planning Commission meeting on April 22nd. Commissioners Agreed.

VIII. CORRESPONDENCE AND PETITIONS

Chair Platteter acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Commissioner Forrest reported that last evening (April 7) the City Council approved the Wooddale Valley View Small Area Plan.

Commissioner Hobbs informed the Commission one meeting has occurred for the France Southdale Area Work Group, adding he believes the group can craft a realistic vision of the greater Southdale area.

X. STAFF COMMENTS

None

XI. ADJOURNMENT

Commissioner Thorsen moved meeting adjournment at 12:20 am. Commissioner Strauss seconded the motion. All voted aye; motion to adjourn carried.

Respectfully submitted